

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Yusef Mujahid Dawan,

Plaintiff,

v.

Case No. 1:11-cv-374

C. Olthaus, et al,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“Report”) filed by Magistrate Judge Karen L. Litkovitz on July 21, 2011 (Doc. 6). Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report in a timely manner.¹ See *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). No objections to the Report has been filed.

Although proper notice was served upon Plaintiff, it was returned to the Court marked “Refused.” (Doc. 7.) This demonstrates a lack of prosecution of this action. This is noteworthy given that the report recommends that this case be dismissed for lack of prosecution. (Doc. 6, 1.)

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, this Court finds the Report to be correct. It is **ORDERED** that the Report is hereby **ADOPTED**. As the Report recommends (Doc. 6, 1-2), Plaintiff’s case is **DISMISSED with PREJUDICE**. Additionally, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal of this Order would not be taken in good faith. See *McGore v.*

¹ Notice was attached to the Report regarding objections. (Doc. 6, 3.)

Wigglesworth, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

s/Michael R. Barrett
United States District Judge